

MAY 19 2004

001

**OFFICIAL**

---

**Eric W. Cernyar, P.C.**  
**ATTORNEY AT LAW & REGISTERED PATENT ATTORNEY**

---

E-mail: [ecernyar@satx.rr.com](mailto:ecernyar@satx.rr.com)10401 Fox Hollow  
San Antonio, TX 78217Telephone: (210) 863-0063  
Facsimile: (210) 590-9473

**FAX COVER SHEET**

**DATE:** May 19, 2004  
**TO:** Mail Stop Non-Fee Amendment  
**FROM:** Eric Cernyar, Reg. No. 45,919  
**RE:** Response to Notice of Non-Compliant Amendment in 09/488,390  
**FAX #:** (703) 872-9306

No of pages (including this cover sheet): 9

**MESSAGE:**

Re: Applicant: David M. Tumey  
Serial No.: 09/488,390  
Filed: 1/19/2000  
Examiner: Vikkram Bali  
Art Unit: 2623  
Title: Animated Toy Utilizing Artificial Intelligence  
and Facial Image Recognition  
Our File No.: TUMEY.001

Enclosed please find:

1. Transmittal Form; and
2. Correction to the Amendment to the Claims Section of the Response to January 30, 2004 Office Action

PTO/SB/21 (02-04)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEUnder the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**TRANSMITTAL FORM**

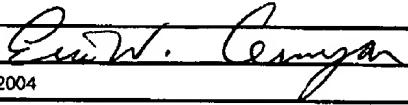
(to be used for all correspondence after initial filing)

		Application Number	09/488,390
		Filing Date	1/19/2000
		First Named Inventor	David M. Tumey
		Art Unit	2623
		Examiner Name	Bali, Vikram
Total Number of Pages in This Submission		Attorney Docket Number	TUMNEY.001

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<p><b>Remarks</b></p> <p>The Amendment enclosed is a corrected section of the Response filed on April 30, 2004.</p>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Eric W. Cernyar, Reg. No. 45,919
Signature	
Date	May 19, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Eric W. Cernyar
Signature	
	Date May 19, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAY 19 2004 #500

OFFICIAL

DRAFT 5-29-04

Appl. No. : 09/488,390 Confirmation Number: 4399  
 Applicants : David M. Tumey, Tianning Xu  
 Filed : 01/19/2000  
 Title : Animated Toy Utilizing Artificial Intelligence and Facial Image  
           Recognition  
 Assignee : Intelligent Verification Systems  
 TC/A.U. : 2623  
 Examiner : Vikkram Bali  
  
 Docket No. : Tumey.001

Honorable Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**CORRECTION TO THE AMENDMENT TO THE CLAIMS SECTION OF THE  
 RESPONSE TO JANUARY 30, 2004, OFFICE ACTION**

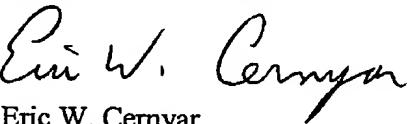
Sir:

In Response to the Notice of Non-Compliant Amendment dated May 6, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begin on page 2 of this paper.

**Remarks/Arguments** were presented in the previous paper.

Respectfully submitted,

  
 Eric W. Cernyar  
 Reg. No. 45,919  
 (210) 863-0063